

Court of Appeals, State of Michigan

ORDER

Susan B Redge v Dept of State Police

Docket No. 268583

LC No. 05-001329-AW

Patrick M. Meter
Presiding Judge

William C. Whitbeck, CJ

Stephen L. Borrello
Judges

The Court orders that in lieu of granting the application for leave to appeal and pursuant to MCR 7.205(D)(2), the Ingham Circuit Court's February 6, 2006, order transferring the plaintiff's mandamus complaint to Lapeer Circuit Court is REVERSED. Ingham County was vested with jurisdiction of the complaint, and venue was proper in that county, at the option of the plaintiff. MCL 600.4401(1); MCR 3.305(A)(1), (B)(2). Pursuant to MCR 2.222(B), the court was not permitted to order a change of venue except by motion of a party. The moving party has the burden of making a persuasive showing of inconvenience or bias justifying a change of venue. *Chilingirian v City of Fraser*, 182 Mich App 163, 165; 451 NW2d 541 (1989); *Brown v Hillsdale County Road Comm*, 126 Mich App 72, 78; 337 NW2d 318 (1983). No such showing was made in this case. We order this matter REMANDED to the Ingham Circuit Court, which shall retain jurisdiction and venue to determine whether plaintiff is entitled to a writ of mandamus.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 07 2006

Date

Sandra Schultz Mengel
Chief Clerk